
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

ALAN BREECE,

Intervenor,

v.

LEHI ROLLER MILLS CO., INC.,

Defendant.

**MEMORANDUM DECISION AND
ORDER DENYING EEOC'S MOTION
FOR LEAVE TO AMEND THE
COMPLAINT TO ADD PARTY
DEFENDANT**

Case No. 2:08-cv-591-DN

District Judge David Nuffer

Plaintiff Equal Employment Opportunity Commission (EEOC) requests leave to file a third amended complaint¹ to add KEB Enterprises (KEB), the purchaser of Lehi Roller Mills' (LRM) assets in bankruptcy, as a defendant in this case. LRM² filed a response³ arguing: (1) that successor liability claims against KEB are barred and enjoined by both federal statute – 11 U.S.C § 363(f) – and by express order of the United States Bankruptcy Court for the District of Utah; (2) this lawsuit is enjoined pursuant to the terms of LRM's confirmed chapter 11 Plan; and (3) this lawsuit is moot in that LRM has no assets, is not doing any business, has no employees,

¹ Plaintiff's Motion for Leave to Amend Complaint to Add Party Defendant (Motion), [docket no. 149](#), filed Oct. 28, 2014.

² Lehi Roller Mills (LRM) is now known as LRM Liquidation, Inc., a reorganized debtor in chapter 11 bankruptcy case No. 12-35291 (Bankr. D. Utah).

³ Response in Opposition to Plaintiff's Motion for Leave to Amend Complaint to Add Party Defendant, [docket no. 154](#), filed Nov. 14, 2014.

and is subject to liquidation and winding up pursuant to the terms of the Plan.⁴ EEOC did not file a reply to the arguments raised by LRM.

After reviewing all of the materials filed by the parties and relevant legal authority, the motion to amend to add a party defendant is DENIED for the reasons set forth in LRM's response.

ORDER

IT IS HEREBY ORDERED that the motion for leave to amend the complaint⁵ is DENIED.

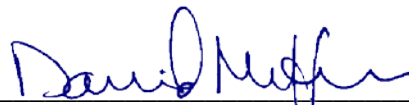
IT IS FURTHER ORDERED that this case is DISMISSED for the reasons stated in LRM's opposition.

IT IS FURTHER ORDERED that EEOC's Motion, in the Alternative, to Withdraw Reference of Debtor's Adversary Complaint⁶ is MOOT.

The clerk is directed to close this case.

Signed April 17, 2015.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

District Judge David Nuffer

⁴ *Id.* at 1.

⁵ [Docket no. 149](#).

⁶ EEOC's Motion to Dismiss Debtor's Adversary Complaint or, in the Alternative, Withdraw Reference of Debtor's Adversary Complaint from the Bankruptcy Court to the District Court, [docket no. 151](#), filed Nov. 14, 2014.